

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV07-2252 AHM (AJWx)	Date	March 19, 2013
Title	SPIRO KAMAR, et al. v. RADIOSHACK CORPORATION, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE		
Stephen Montes	Not Reported		
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorneys NOT Present for Plaintiffs:	Attorneys NOT Present for Defendants:		

Proceedings: IN CHAMBERS (No Proceedings Held)

The Court regrets that it still cannot sign the proposed order granting preliminary approval, because the class notice and the proposed order require further clarification and correction, as follows.

1. The Proposed Order and the Class Notice give conflicting instructions to class members who wish to object to the settlement. The Proposed Order, at Page 5, Paragraph 8, states that class members who wish to object should mail their objections to the Court and to class counsel (but not to defense counsel). The Class Notice, in Paragraph 9, states that objections should be filed with the Court and mailed to both class counsel and defense counsel. The Class Notice should be changed to reflect the instructions in the Proposed Order.
2. The Proposed Order, at Page 6, line (e), lists the deadline for responses to objections as "July 17, 2013." This date is past the proposed date for the final fairness hearing (July 1, 2013) and should be corrected.
3. The Class Notice, at paragraph 4, states that the "Settlement Period" is "March 1, 2003 through [date of preliminary approval of the Settlement]." To comport with the class definition on the first page of the class notice, the bracketed text should be changed to "September 12, 2012."
4. In paragraph 9 of the Class Notice, in the paragraph following Defense Counsel's address, in the fourth line down, "/p.m." should be deleted.
5. Because this case will have to be randomly reassigned, the initials in the caption

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and references to this Court's address, etc. will have to be modified.

6. The revised Class Notice does not indicate that it has been "Revised" or "Amended" in the title. Also, the numbering of the paragraphs in the revised Class Notice is confusing: it skips from Paragraph 5 to Paragraph 7. The Paragraph that is labeled Paragraph 6 is an excerpt from Paragraph 6 of the Settlement Agreement, and is in fact part of Paragraph 5 of the Class Notice (along with the paragraph labeled Paragraph 13, which is an excerpt from Paragraph 13 of the Settlement Agreement). Although these are minor issues, I suggest that the parties address them to avoid confusing the successor judge.

The Court will send a transmittal memorandum to the successor judge, stating that the Court has already found that the substance of the settlement is preliminarily acceptable. (If the changes listed above were not necessary, this Court would have signed the Proposed Order.) The parties will have the benefit of knowing the successor judge, and he or she will be able to confirm that the parties' proposed dates are acceptable.

Initials of Preparer

: _____
SMO
